



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)****(Implements RCW 34.05.310)**Do **NOT** use for expedited rule making**Agency:** Department of Ecology **AO#** 10-06**Subject of possible rule making:**

This rulemaking will amend chapter 173-350 WAC, Solid Waste Handling Standards and will propose amendments including but not limited to:

- Add new anaerobic digestion section to reflect new exemptions in RCW 70.95.330, clarify processing or performance standards for solid waste facilities, define and explore additional exemptions to recover/recycle organic materials.
- Clarify definitions related to product take back centers, Moderate Risk Waste handling, and household hazardous waste provisions.
- Eliminate duplicative record keeping and reporting requirements.
- Clarify when an earthen material/soil is a solid waste.
- Address other "general housekeeping" issues such as providing clarifications, making formatting changes, and ensuring that the rule is consistent with other rules, laws and policy decisions.

Ecology also is considering moving all sections of chapter 173-345 WAC, Recyclable Materials - Transporter and Facility Requirements to chapter 173-350 WAC, Solid Waste Handling Standards. In this case, Ecology may repeal chapter 173-345 WAC.

**Statutes authorizing the agency to adopt rules on this subject:** Chapter 70.95 RCW

**Reasons why rules on this subject may be needed and what they might accomplish:** Ecology is interested in expanding organics recycling, while maintaining strong environmental standards. In order to facilitate this, definitions, process and control requirements, and permitting exemptions for compost and other organics facilities may be amended. In addition, solid waste requirements related to soil, sediments and other earthen materials may be clarified in a new section of the rule.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

Ecology will coordinate rulemaking activities with Washington Utilities and Transportation Commission, Department of Transportation, Department of Agriculture, Department of Natural Resources, and EPA along with other agencies.

**Process for developing new rule (check all that apply):**

- ☐ Negotiated rule making  
☐ Pilot rule making  
☐ Agency study

☒ Other (describe) Amendments will be drafted and reviewed by stakeholders following initial stakeholder meetings.

Ecology will hold two (2) informal public workshops where interested persons can comment on the rule before it is proposed. The public is invited to these workshops and will be provided the opportunity to comment on the draft proposed rule. At least two public hearings will be conducted. Ecology will post information on its website and send information to interested parties.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Ecology will post information on its website; create a ListServ and email information on how to participate in the process to interested parties. Ecology will also hold two public information workshops and at least two public hearings. To sign up for the ListServ, use this web link: <http://listserv.wa.gov/cgi-bin/wa?A0=ECY-SW-HANDLING-STANDARDS>

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